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Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000 and provides an update on developments since my report of 6 March 2003 (S/2003/257). The present report describes the deployment and activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), whose mandate was extended until 15 September 2003 by Security Council resolution 1466 (2003) of 14 March 2003. The report also includes an update on UNMEE assistance to the demarcation work of the Eritrea-Ethiopia Boundary Commission, as mandated by the relevant Council resolutions.

II. Status of the Temporary Security Zone and adjacent areas

2. In general, the situation in the Mission area remained calm and the parties cooperated well with my Special Representative, Legwaila Joseph Legwaila, and UNMEE. Both parties maintained a defensive military posture on either side of the Temporary Security Zone and no major change in force levels was observed. Early in the reporting period, there was an increase in military training exercises by both parties, which gave rise to some concern. However, further observation confirmed that these movements were routine and seasonal in nature and duration. Senior Ethiopian military officials have since briefed the Force Commander of UNMEE, Major-General Robert Gordon, on their national demobilization and restructuring plans, which provide for the recruitment and creation of a national reserve of volunteer citizens to support a significantly downsized regular army. According to available information, Eritrea's military stance remains substantially unchanged.

3. In April 2003, Eritrea conducted a rotation of over 400 police in Sector Centre, believed to be the largest police/militia rotation since the establishment of the Temporary Security Zone. Though routine in nature, the rotation represented a violation of the Protocol Agreement as no advance notification was given to UNMEE, a fact acknowledged and regretted by the Eritrean authorities.

4. The number of border incursions by Ethiopian herdsmen who enter the Temporary Security Zone to graze their livestock has increased noticeably, especially in Sector Centre. Because these herdsmen, recently accompanied by armed men, compete for the dwindling drought-affected pastures within the

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Temporary Security Zone, the risk of armed clashes has increased. In view of the seriousness of this matter, UNMEE has raised it with the Ethiopian military authorities at the highest level, and has received assurances that steps will be taken to control these incursions before they escalate.

5. During the reporting period, the Mission investigated two alleged shooting incidents in the area of the Mereb River (Sector Centre) and at Mukutis (Sector West), on 17 and 24 April 2003, respectively, which had been reported to UNMEE by the parties. To date, there is no evidence to support the involvement of either the Eritrean Defence Forces or the Ethiopian Armed Forces in these incidents. Instead, it is likely that, if they indeed occurred, they took place between local groups and militia. The Mission is also investigating the fatal shooting on 18 May by the Ethiopian Armed Forces of a 15-year-old Eritrean boy who had crossed into Ethiopia near Humera (Sector West) in pursuit of his camels. This is the fifth shooting incident for which the Ethiopian Armed Forces were responsible at Humera Bridge since 1 January 2003 and the third ending in a fatality, which could suggest a propensity to use excessive force in this locality. UNMEE has raised this matter with the Ethiopian Ministry of Defence, which has given assurances that it will take action to remedy the situation. Meanwhile, following a number of incidents earlier this year in Sector West involving mines suspected to be newly laid, UNMEE and the armed forces on both sides of the Temporary Security Zone, as well as militia and the police, have intensified their patrolling in an effort to curb the activities of the groups believed to be responsible for laying mines in the area. As a result, the occurrence of mine incidents in this sector has decreased significantly in recent months. Nevertheless, the threat of mine attacks in Sector West remains high. (See section IV for more information on mine action.)

Freedom of movement

6. Restrictions continue to be imposed on UNMEE freedom of movement in the areas adjacent to the Temporary Security Zone, especially in Sector Centre. On the Eritrean side, access to Eritrean Defence Forces positions is frequently denied. These restrictions seem to result from a failure to communicate to the local level commitments that have been made at the strategic level. Both parties are trying to resolve some of the existing difficulties between UNMEE military observers and Eritrean or Ethiopian military liaison staff.

7. I regret to report the continuing absence of a direct high-altitude flight route for UNMEE aircraft between Asmara and Addis Ababa. UNMEE has continued to fly between the two capitals via the Red Sea and Djibouti, with the additional operational and safety burdens this entails for the Mission. These longer and more complicated flight routes have so far imposed an estimated additional cost of over US$ 2.5 million on the Mission, as well as a higher safety risk. The parties' lack of interest in offering UNMEE a rapid and pragmatic solution to this issue is regrettable and remains a source of considerable frustration. I once again appeal to the parties to reconsider their positions on this issue and to resolve this unnecessary and costly problem in a spirit of compromise.

Military Coordination Commission

8. The Military Coordination Commission held its sixteenth meeting on 19 March 2003 in Djibouti. During the meeting, both parties agreed to do all in their power to prevent the laying of mines in the Temporary Security Zone and the areas adjacent to it. The parties also assured UNMEE that they would cooperate in the recovery and repatriation or burial of mortal remains lying within the Temporary Security Zone, particularly in Sector East. This is a long-standing issue in which the Mission and the International Committee of the Red Cross (ICRC) have been involved since the beginning. At the seventeenth meeting of the Military Coordination Commission, held in Nairobi on 16 June, the parties agreed to a proposal by UNMEE on the collection and repatriation of an estimated 164 bodies, envisaged to take place in July. In addition, in both Military Coordination Commission meetings, the parties discussed their provision of security for the Boundary Commission's staff and contractors operating in the Temporary Security Zone and the adjacent areas during demarcation. Both parties provided assurances in this regard and committed themselves to working on more specific proposals once demarcation begins. At the meeting on 16 June, the parties also gave short presentations on their demobilization and restructuring of their respective armed forces. As the demarcation process draws closer, UNMEE anticipates holding more frequent meetings of the Military Coordination Commission, in order to help resolve military and security coordination issues arising from the Boundary Commission's activities. I regret to report that there is still no agreement between the parties to hold meetings of the Military Coordination Commission alternately in each other's capital, a continuing goal of the Mission.

Deployment of the Mission

9. As of 16 June, the total strength of the military component of UNMEE stood at 4,038 personnel, comprising 3,716 troops, 107 headquarters staff officers and 215 military observers (see annex III). On 15 June, peacekeepers from Finland replaced the Irish contingent as the Mission's headquarters and guard company.

10. Despite repeated requests by the Security Council, my Special Representative and myself, the Government of Eritrea has still not signed the status-of-forces agreement with the United Nations. I appeal once again to the Government of Eritrea to conclude this important agreement without further delay. Until it does so, the model status-of-forces agreement will continue to be in effect, in accordance with Security Council resolution 1320 (2000) of 15 September 2000.

11. UNMEE continues to encounter difficulties with the Government of Eritrea on the issue of the Mission's national staff. The Eritrean authorities have maintained their position that such staff must discharge their national service obligations; and there have been additional cases in which local staff were detained. The detention of national staff on the basis of national service obligations contravenes relevant provisions of the model status-of-forces agreement, as well as the 1946 Convention on the Privileges and Immunities of the United Nations. Eritrean nationals employed by the United Nations have reportedly also been detained on the basis of their religious affiliation. Moreover, Eritrea now requires that its nationals working for international organizations, including for the United Nations, register with the Government, which also demands that UNMEE should only recruit those nationals

approved by its Ministry of Labour. My Special Representative continues to protest the imposition of national service obligations on local staff members and other restrictions on UNMEE recruitment of national staff in Eritrea.

12. UNMEE staff continue to experience difficulties in entering and exiting Ethiopia and Eritrea at the airports in the two capitals. While my Special Representative has maintained that the model status-of-forces agreement exempts staff members from visa requirements, the Eritrean authorities have imposed a visa regime on UNMEE. In Addis Ababa, the Mission's staff are required to go through immigration procedures, in contravention of the status-of-forces agreement, which Ethiopia signed in 2001.

III. Boundary Commission and Claims Commission

Boundary Commission

13. The ninth report of the Boundary Commission, provided by its President, is to be found in annex I to the present report. While progress has been achieved in the demarcation process, it has not been able to proceed as quickly as anticipated. I would emphasize, in this connection, the importance of the parties' full and prompt cooperation with the Boundary Commission, to enable it to fulfil its mandate. The parties showed statesmanship and great foresight in conferring upon the Commission the powers of binding arbitration; the continued display of these same qualities, by pursuing their respective concerns within the Commission's legal framework, will ensure an expeditious completion of demarcation, to which the UNMEE mandate is tied.

14. UNMEE has continued, as stipulated in resolution 1430 (2002) of 14 August 2002, to provide administrative, logistical and demining services in support of preparatory work for demarcation being carried out by the Boundary Commission. Costs related to civilian demining contractors and the provision of administrative and logistical support to the field offices are being funded from the United Nations Trust Fund for the Delimitation and Demarcation of the Border. Voluntary contributions and pledges to the Trust Fund currently total some $10.8 million. The latest cost estimate based on the demarcation contractors' proposals indicates that at least an additional $4.1 million will be required to complete the demarcation of the whole boundary. In order to avoid a situation in which demarcation would have to be suspended owing to lack of funding, I renew my appeal to Member States to contribute generously to the Trust Fund.

Claims Commission

15. I am also in receipt of an update on the work of the Claims Commission, provided by its President and contained in annex II to the present report.

IV. Mine action

16. Landmines and unexploded ordnance, including those in the Temporary Security Zone, continue to constitute a major threat to the population of both

countries, as well as to United Nations staff and humanitarian personnel operating on the ground. From March to the end of May 2003, four civilians were killed in incidents involving mines and unexploded ordnance in the Temporary Security Zone and its adjacent areas.

17. The work of UNMEE demining companies continues to produce encouraging results. As at the end of May 2003, UNMEE deminers have destroyed 510 mines and 4,627 items of unexploded ordnance, and cleared over 12.4 million square metres of land and 1,919 kilometres of road. In addition, UNMEE has carried on its demining activities in support of demarcation. Good progress continues to be made in clearing all routes in the Temporary Security Zone of mines and unexploded ordnance, and clearance of pillar sites will commence as soon as these sites are confirmed by the Boundary Commission.

18. In late May, the Government of Eritrea requested HALO Trust, the British mine action non-governmental organization (NGO), to depart from the country by the end of June, leaving only one international demining agency in Eritrea. The relevant donors, HALO Trust and the Eritrean authorities are engaged in discussions to determine if a suitable transition period can be agreed upon to effect a smooth transfer of HALO operational assets to the Eritrean Demining Authority.

V. Humanitarian developments

19. The United Nations country teams and their partners continue to work together to address the urgent needs of over 2 million people in Eritrea and 12.6 million in Ethiopia. According to humanitarian agencies, the lives of these people are threatened by the consequences of war and the devastating drought, which has affected the two countries for several years in a row.

20. The 2003 mid-year review of the Consolidated Appeal Process (CAP) for Eritrea indicated that just over $60 million had been received against a revised appeal figure of over $157 million. Although there have been additional bilateral pledges outside the CAP framework, only 69,337 tons of food out of the required 476,000 have actually reached Eritrea. This is believed to be one of the main reasons for the significant deterioration in the nutritional status of children. Owing to the inadequacy of resources, the United Nations agencies and their partners have decided to focus on urgent priority requirements, such as food, water and medical assistance, until the end of 2003. In view of poor rainfall and unfavourable forecasts for the next rainy season, close monitoring as well as increased and timely donor support will be needed for the rest of the year.

21. In Ethiopia, there has been a positive response to both the joint Government-United Nations appeal and the subsequent addendum, which was issued in March 2003 to draw attention to the urgent needs arising from the drought emergency. As of early June, food aid pledges amounted to 1.33 million tonnes out of a required 1.52 million tonnes, leaving a shortfall of 11 per cent. Non-food pledges totalled $65.5 million out of a required $81.1 million, leaving a shortfall of 19 per cent. There is still a need, however, to resource a significant amount of food and non-food requirements until the end of the year, especially to address the effects of a dramatic deterioration of the humanitarian situation in southern Ethiopia over the past two months. In preparation for the anticipated worsening of the nutritional situation throughout the country, procurement of therapeutic food, although still limited, has

been stepped up. Therapeutic feeding interventions by NGOs and government units working with United Nations support have expanded considerably in the past few weeks to meet the needs of the increasing number of malnourished children in several regions.

Quick-impact projects

22. Quick-impact projects are an important part of the work of UNMEE in the Mission area and, along with similar interventions by the two Governments, United Nations agencies and non-governmental organizations, have provided valuable assistance to war-torn communities in the border regions. Sixty out of 64 projects have now been completed with funds from the assessed budget, while additional projects are being undertaken with contributions to the Trust Fund to Support the Peace Process in Ethiopia and Eritrea from Ireland, the Netherlands and Norway for a total of about $656,000. The UNMEE-led Quick-Impact Projects Committee has approved 42 additional projects to be funded by the Trust Fund contributions, but the Fund is now almost exhausted and additional contributions are urgently needed if the quick-impact projects programme is to continue. Given the situation of the war-affected people in the border area, and the proven impact of these projects on their lives, I wish to recommend that a small portion of the UNMEE budget be allocated to the quick-impact projects, as was the case in the Mission's first year.

HIV/AIDS activities

23. The UNMEE HIV/AIDS Task Force held weekly awareness and induction programmes, including for local staff in their own languages. The Task Force conducted the first joint UNMEE/United Nations agencies "training of trainers" course and completed its second joint UNMEE/Ethiopian Armed Forces "training of trainers" course, the graduates of which then started training at their workplaces.

VI. Human Rights

24. During the reporting period, the number of civilians repatriated by Ethiopia and Eritrea under the auspices of the ICRC has decreased. Ethiopia repatriated five persons of Eritrean origin on humanitarian grounds, while Eritrea repatriated 97 persons of Ethiopian origin. UNMEE will meet with Eritrean government officials to discuss allegations of ill-treatment by Eritrean officials made by persons of Ethiopian origin who were recently repatriated. The UNMEE Human Rights Office continued to investigate reports of cross-border incidents involving civilians, the incidence of which has increased in recent months.

25. UNMEE continues to prepare for the humanitarian and human rights consequences of the eventual transfer of territorial control that will follow demarcation of the border, in accordance with article 4.16 of the Algiers Peace Agreement of 12 December 2000. Initial UNMEE analysis identified the following issues which could possibly be involved: nationality/citizenship rights; protection from statelessness; property rights; family rights/avoidance of family separation; protection of children's rights; immigration and residency rights; avoidance of forced migration and population movements; rights of return of previously displaced

persons; resettlement/reintegration possibilities; and cultural rights and traditions of communities in border areas. During the period under review, UNMEE carried out internal discussions with the United Nations country teams in Ethiopia and Eritrea, including a joint meeting in Asmara in May 2003 that focused on the identification of key issues and the development of common strategies and, as a confidence-building measure, included national staff from both countries.

VII. Public information

26. Recent events in the region have created renewed interest in the UNMEE weekly press briefing, which remains the key instrument for disseminating news about the Mission's activities. There has also been a significant rise in requests for interviews with my Special Representative and the Force Commander, following increasing concerns over the delay in the demarcation process.

27. The second UNMEE documentary "Next steps to peace" has been completed and is currently being distributed both locally and internationally. There has been positive response to the publication of *UNMEE News* in the local languages. In addition, the outreach centres established in both countries continue to provide valuable services to the local populations, who are keen to obtain more information about the peace process and mine awareness programmes. These activities are complemented by the frequently updated UNMEE web site.

VIII. Financial aspects

28. The General Assembly, by its resolution 56/250 B of 27 June 2002, appropriated the amount of $230,845,300 gross for the maintenance of UNMEE for the financial period from 1 July 2002 to 30 June 2003. As at 31 May 2003, unpaid assessed contributions to the special account for UNMEE amounted to $53,361,961. The total outstanding assessed contributions for all peacekeeping operations as at 31 May 2003 amounted to $1,153,235,222.

IX. Observations

29. As noted in my previous report, the peace process is at a critical stage. In general, the parties cooperate well with UNMEE and respect the integrity of the Temporary Security Zone. Their efforts in this connection are highly welcome and are essential to maintaining short-term stability in the region.

30. However, lasting peace cannot be built on the basis of temporary arrangements. Delays in the peace process would be contrary to the wishes of the parties themselves, as manifested in the letter and spirit of the Algiers Agreements. In the absence of significant forward movement, precious momentum could be lost and prove difficult to regain, which in turn could impact on the longer-term goals of reconstruction and development.

31. Specifically, progress is required in two areas. First, expeditious demarcation of the border is crucial. I therefore welcome both parties' recent reaffirmation of the April 2002 decision of the Boundary Commission. In its ninth report, the Commission indicates that it is almost ready to commence demarcation in Sector

East and that it will soon issue guidelines for survey work to be initiated in Sectors Centre and West. I encourage the parties to provide their utmost cooperation, so that these activities can be undertaken without delay. Since the terrible suffering of war ended three years ago, the Governments and peoples of the two countries have invested heavily in peace. It is crucial that they take the remaining steps required to benefit fully from the yields of that investment.

32. Second, a lasting peace requires a relationship between the parties that enables them to address, through peaceful discourse, any problems that may arise between them. In this context, political dialogue between the two countries, with a view to the eventual normalization of relations, is the only promising path towards consolidation of the peace process. The absence of political contacts between the two countries since the negotiation of the Algiers Agreements has undoubtedly hindered the normalization of bilateral relations — a vital element of any peace process — and I encourage the two neighbouring States to begin the much-needed interaction. Ultimately, the security of an international border rests upon good and peaceful neighbourly relations, including the political means to resolve possible differences. The United Nations, as well as the international community, stands ready to facilitate this dialogue, if requested by the parties.

33. The international community has repeatedly affirmed its readiness to support the parties on the road to peace. Member States have made substantial political and financial investments to this end, through the Organization collectively, as well as bilaterally; the culmination of the peace process will depend on continued support by all concerned. However, nothing will be more important than the commitment and determination of the parties themselves. Obviously, the completion of the peace process will allow the parties to address the humanitarian emergency caused by the protracted drought and the effects of a long conflict. In this connection, I appeal to the international community to respond generously to the pressing needs of the two nations.

34. Finally, I wish to recognize the continuing efforts of my Special Representative, Legwaila Joseph Legwaila, who has consistently sought to reconcile the positions of the parties and to ensure that the issues were clearly understood and that all avenues were explored. In the period under review, he also conducted intensive consultations with international supporters of the peace process, whose constructive engagement has been and will remain essential. In addition, I am grateful to the military and civilian personnel of UNMEE for their tireless efforts to keep the peace process on a steady course, and to the United Nations Country Teams and other humanitarian workers for their work on the ground to assist the people in need. I also wish to acknowledge the determination and diligence of the Boundary Commission throughout this difficult period.

Annex I

Ninth report of the Eritrea-Ethiopia Boundary Commission

1. This is the ninth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 22 February to 9 June 2003.

2. Following the issuance of a detailed eighth report as an annex to the progress report of the Secretary-General on Ethiopia and Eritrea of 6 March 2003 (S/2003/257), the Commission issued, on 21 March 2003, a document entitled "Observations of the Eritrea-Ethiopia Boundary Commission", which was made available as an addendum (S/2003/257/Add.1 of 31 March 2003) to the above-mentioned report.

3. The observations were drawn up at an internal meeting of the Commission and its staff held in London from 19 to 21 March 2003. At the same meeting, the Commission drew up its first set of technical instructions to the demarcation team. The Commission anticipates holding such internal meetings and issuing further such instructions to the demarcation team from time to time, as it deems necessary. In addition, the Commission adopted the amendment to the Demarcation Directions of 8 July 2002 indicated in its Order of 9 February 2003, providing for pillar emplacement to begin in the Eastern Sector.

4. The Commission also gave consideration to the parties' comments of 24 January 2003. As indicated in its eighth report, although the Commission had expected that those comments would be limited to technical cartographic matters, the comments filed by Ethiopia were mostly of a quite different character and scope. The Commission's observations (referred to in paragraph 2, above) constituted the Commission's response to some of the more general matters raised in the comments of 24 January 2003. With respect to specific observations on particular localities, each party was given the opportunity to comment, by 2 May 2003, on the other's submissions.

5. Eritrea consolidated its comments with observations submitted, in response to a request from the Special Consultant, on 15 April, in a document entitled, "Comments of the State of Eritrea on the Eritrea-Ethiopia boundary in the proximity of Tserona and Zalambessa and on the specific provisions of Ethiopia's comments of 24 January 2003". Ethiopia's comments were submitted to the Secretary on 2 May.

6. In its eighth report, the Commission discussed a dispute that had arisen between the parties with respect to their field liaison officers. The Commission's Order of 9 February 2003 provided for these disagreements to be "referred for decision in accordance with paragraph 15B of the Demarcation Directions". Pending the decision of the Commission on these disagreements, each party was to appoint two ad hoc field liaison officers and the parties made these appointments promptly.

7. Pursuant to paragraph 15B of the Demarcation Directions, the Special Consultant has prepared a report on the disagreement, which was transmitted to the parties and the Commission on 2 June. The parties have 15 days (until 17 June) within which to comment on the report, after which time the Commission will make its decision on this matter.

8. During the period covered by this report, the Commission and its staff devoted their efforts to the following demarcation activities:

(a) *Preparation of maps.* In response to the parties' comments of 24 January 2003, revisions were made to both the sheet index and the map design. Following a first round of comments on the revised sheet index in April, the parties were given the opportunity to comment, by 27 May, on both the newly revised sheet index and on sample maps reflecting the new map design arising from the revisions to the sheet index, and comments were received from both parties.

(b) *Marking of pillar sites.* The Secretary has informed the parties that, in order to give effect to the amended text of paragraph 9E, providing for pillar emplacement to begin in the Eastern Sector, certain steps which it was originally contemplated in the Demarcation Directions and the Schedule of the Order of the Activities Ahead would be taken simultaneously with respect to all sectors will now have to take place on a sector-by-sector basis. Pillar site assessment began in the Eastern Sector in mid-March. On 27 May, the Secretary transmitted to the parties a consolidated report, combining the factual report contemplated in paragraph 14E of the Demarcation Directions and the field assessment report of pillar sites contemplated in the most recent Schedule of the Order of the Activities Ahead. In keeping with the Commission's decision to begin pillar emplacement first in the Eastern Sector, the report covered only the factual survey of Bure and the field assessment of the Eastern Sector. As provided in the Demarcation Directions and Schedule, the parties have 15 days (until 11 June) to comment on these items. Following receipt of these comments and upon the decision of the Commission, the Secretary will prepare, and transmit to the parties for their comments, marked maps of the Eastern Sector showing the boundary line and pillar sites.

(c) *Arrangements relating to pillar construction.* Draft specifications for boundary pillar emplacement and as-built survey were distributed to both parties at the end of February and their comments were received in early March. Working closely with UNMEE and the Procurement Division of the United Nations, the Secretary and his staff were able to complete preparation of the necessary procurement documents and these were transmitted to prospective bidders on 12 May. For reasons of economy, the procurement documentation covers the entire boundary and bidders have been requested to break down the cost by sector and to provide unit cost per pillar. Contractors' proposals on pillar emplacement and as-built survey are due by 11 June. Because the Eastern Sector is not heavily mined, UNMEE/Mine Action Clearance Centre will provide demining quality assurance for this sector, eliminating the need to engage an external quality assurance contractor for this sector, although an external quality assurance contractor will need to be engaged for the other sectors.

(d) *Accommodation of contractors.* Preparations continue in the field for the provision of accommodation and meal facilities for the contractors. The Chief Surveyor conducted site visits to Adigrat on 22 February, to Barentu on 3 March and to Assab on 19 March to view options and check locations and requirements for contractors' facilities. Construction of the contractors' camp at Adigrat is expected to commence around mid-June.

(e) *Security of construction personnel in the field.* The question of security for Field Office staff and contractors' personnel continues to be of great importance. Having taken note that Security Council resolution 1466 of 14 March 2003 "urges both Ethiopia and Eritrea ... to take all steps necessary to provide the necessary security on the ground for the staff of the Commission when operating in territories

under their control", the Commission and its staff are currently engaged in exploring the modalities for security and obtaining the appropriate assurances from the parties.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

9 June 2003

Annex II

Note on the work of the Eritrea-Ethiopia Claims Commission

1. The Eritrea-Ethiopia Claims Commission was established and operates pursuant to article 5 of the Agreement signed in Algiers on 12 December 2000 between the Governments of the State of Eritrea and the Federal Democratic Republic of Ethiopia (the "December Agreement"). The Commission is directed to:

> "decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law."

2. Pursuant to the December Agreement, the Commission is an independent body. Its seat is in The Hague, although it has met informally with the parties elsewhere. The current members of the Commission are: Professor Hans Van Houtte (President); Judge George Aldrich (appointed by Ethiopia); Mr. John Crook (appointed by Eritrea); Dean James Paul (appointed by Ethiopia); and Ms. Lucy Reed (appointed by Eritrea). Ms. Catherine Cissé, a senior official of the Permanent Court of Arbitration, serves as Registrar of the Commission. The Commission also receives a variety of other valuable facilities and services under the auspices of the Permanent Court of Arbitration.

3. The Commission held informal meetings on organizational matters with representatives of the parties at the premises of the Permanent Court of Arbitration in March and May of 2001. In July 2001, it held hearings on significant questions related to its jurisdiction, procedures and possible remedies. The Commission benefited from substantial memoranda filed by the parties prior to both the May and July sessions. In August 2001, the Commission issued its Decisions Numbers 1 to 5 [www.pca-cpa.org]. These address significant jurisdictional and procedural issues bearing on the preparation and presentation of claims. In August 2001, representatives of the Commission and of both parties met informally with claims experts from the International Organization on Migration to discuss technical issues related to the design and implementation of possible mass claims filing systems. During this period, the Commission provided additional procedural guidance in several letters to the parties.

4. In October 2001, following consultations with the parties, the Commission adopted its Rules of Procedure [www.pca-cpa.org]. As required by article 5(7) of the December Agreement, the Commission's Rules are based on the Permanent Court of Arbitration's Optional Rules for Arbitrating Disputes Between States, adapted to reflect the Commission's mandate and anticipated workload.

5. In December 2001, both parties filed their claims in compliance with the 12 December 2001 filing deadline established by article 5(8) of the December Agreement. Neither party utilized the possibility, created by chapter three of the Commission's Rules, of filing claims utilizing possible mass claims procedures. State-to-State claims were filed on behalf of the Government of Ethiopia. The

Government of Eritrea filed such claims on its behalf as well as on behalf of named individuals. The claims filed by the parties relate to such matters as the conduct of military operations in the front zones, the treatment of prisoners of war and of civilians and their property, diplomatic immunities and the economic impact of certain government actions during the conflict. Although the total number of claims filed by each party differs, several of Ethiopia's claims include extensive sub-elements. Accordingly, the overall scope of the issues raised in the two parties' claims appears broadly similar.

6. After the claims were filed, the Commission analysed the initial filings and requested and received the parties' views regarding the priorities and sequence for its work. Taking account of the views of both parties, in February 2002, the Commission scheduled the filing of statements of defence in all claims. Both parties have filed all of their statements of defence in accordance with this schedule. (The Commission's February 2002 order indicated that the Commission did not expect to authorize additional time for the statements of defence, and it has not done so.)

7. In May 2002, the Commission identified the first three sets of claims for oral hearings and set the dates for hearings on liability, memorials and counter-memorials in those claims. The Commission decided to begin with the two parties' claims alleging mistreatment of their respective prisoners of war; followed by their claims of misconduct related to the armed conflict in the Central Front; followed by their allegations of mistreatment of civilians. Memorials and some counter-memorials have been filed in these three groups of cases as ordered. Following an informal meeting with the parties in July 2002, the Commission also established a schedule for the filings and initial hearings in all of the remaining claims.

8. In August 2002, the President of the Commission met in Geneva with officials of the International Committee of the Red Cross (ICRC). This meeting sought to determine whether the ICRC would consent to the parties' use in the prisoner of war claims of certain materials originated by the ICRC and in the parties' possession. The ICRC was not prepared to consent to such use by the parties.

9. The Commission's hearings on the parties' prisoner of war claims took place as scheduled over 10 hearing days at the Peace Palace in December 2002. The Commission has deliberated those claims and is preparing its awards.

10. In the light of requests received from both parties, the Commission in February 2003 adjusted its schedule of future filings and hearings to take account of requirements resulting from other proceedings involving the parties and of the breadth and complexity of the work remaining to be done.

11. Throughout this process, the Commission and the parties have worked cooperatively, with a view to expeditious and orderly resolution of the Commission's caseload. The Commission and the parties have met informally several times to discuss possible means for focusing and facilitating the claims process. (The December Agreement calls for the Commission to endeavour to complete its work within three years of the closing date for filing claims.)

(*Signed*) Professor Hans Van Houtte
President of the Commission

18 June 2003

Annex III

United Nations Mission in Ethiopia and Eritrea: contributions as at 16 June 2003

COUNTRY	MILITARY OBSERVERS	TROOPS	STAFF	TOTAL	NATIONAL SUPPORT ELEMENTS
ALGERIA	8			8	
AUSTRALIA			2	2	
AUSTRIA	2			2	
BANGLADESH	7	168	4	179	
BENIN			1	1	
BOSNIA & HERZEGOVINA	9			9	
BULGARIA	5		2	7	
CANADA	1			1	
CHINA	6			6	
CROATIA	7			7	
CZECH REPUBLIC	2			2	
DENMARK	4			4	
UNITED KINGDOM	1		2	3	1
FINLAND	7	173	12	192	10
FRANCE			1	1	
GAMBIA	4		2	6	
GHANA	11		7	18	
GREECE	2			2	
INDIA	7	1 519	18	1 544	
IRAN (ISLAMIC REP. OF)	2			2	
IRELAND					
ITALY	4	41	2	47	15
JORDAN	7	939	15	961	
KENYA	12	648	12	672	
MALAYSIA	7		4	11	
NAMIBIA	3		2	5	
NEPAL	5			5	
NETHERLANDS					
NIGERIA	7		2	09	
NORWAY	5			5	
PARAGUAY	2			2	
PERU	2			2	
POLAND	6			6	
ROMANIA	8			8	
RUSSIAN FEDERATION	5			5	
SINGAPORE	1			1	
SLOVAKIA		193	3	196	

COUNTRY	MILITARY OBSERVERS	TROOPS	STAFF	TOTAL	NATIONAL SUPPORT ELEMENTS
SPAIN	3		2	5	
SOUTH AFRICA	5		2	7	
SWEDEN	6			6	
SWITZERLAND	4			4	
TUNISIA	2		3	5	
UKRAINE	7			7	
UNITED REP. OF TANZANIA	8		3	11	
UNITED STATES	6		1	7	
URUGUAY	5	33	3	41	
ZAMBIA	10		4	14	
TOTAL	215	3 716	107	4 038	26